

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES

v.

ROBERT HANKARD

Criminal No. 1:20-cr-17-CCB-1

**PROPOSED OBJECTIONS/CORRECTIONS TO
GOVERNMENT’S PROPOSED JURY INSTRUCTIONS**

Defendant Robert Hankard, by and through undersigned counsel, respectfully submits the following objections and proposed corrections to the Government’s Proposed Jury Instructions. ECF 65.

- 1) INSTRUCTION 5: Sympathy: The defense objects to this instruction on relevance grounds.
- 2) INSTRUCTION 9: Submitting the Indictment - The defense objects to sending the indictment to the jury during deliberations, particularly since the essential parts of the indictment are included in the jury instructions.
- 3) INSTRUCTION 19: Investigative Techniques - The defense objects to this instruction on relevance grounds.
- 4) INSTRUCTION 21: Knowledge, Willfulness, Intent – The defense objects to the added language in paragraph one (1).
- 5) INSTRUCTION 23: Consciousness of Guilt – The defense objects to the language in the fourth paragraph in that it is both circular and confusing.
- 6) INSTRUCTION 25: Variance – Dates – The defense objects to the inclusion of the second paragraph as we don’t believe it’s necessary.
- 7) INSTRUCTION 30: Offenses Against the United States – in first paragraph “know” should be “now”.

- 8) INSTRUCTION 37: Count Two: Elements – in the second paragraph “Fourteeneth” should be “Fourteenth”.
- 9) INSTRUCTION 47: Count Five: Elements – in the first paragraph “declaration” should be “declaration”.
- 10) The defense proposes adding the following instruction regarding reasonable doubt:

Since, in order to convict the defendant of a given charge, the government is required to prove that charge beyond a reasonable doubt, the question then is: What is a reasonable doubt? The words almost define themselves. It is a doubt based upon reason. It is doubt that a reasonable person has after carefully weighing all of the evidence. It is a doubt that would cause a reasonable person to hesitate to act in a matter of importance in his or her personal life.

Proof beyond a reasonable doubt must, therefore, be proof of a convincing character that a reasonable person would not hesitate to rely upon in making an important decision. A reasonable doubt is not caprice or whim. It is not speculation or suspicion. It is not an excuse to avoid the performance of an unpleasant duty. The law does not require that the government prove guilt beyond all possible doubt: proof beyond a reasonable doubt is sufficient to convict.

If, after fair and impartial consideration of the evidence, you have a reasonable doubt as to the defendant’s guilt with respect to a particular charge against him, you must find the defendant not guilty of that charge. On the other hand, if after fair and impartial consideration of all the evidence, you are satisfied beyond a reasonable doubt of the defendant’s guilt with respect to a particular charge against him, you should find the defendant guilty of that charge.

Sand, Siffert, *et al.*, *Modern Fed. Jury Instructions*, Instruction No. 4-2

- 11) Defense Theory Instruction: The defense may propose a defense theory instruction for consideration.

WHEREFORE, for the foregoing reasons, Robert Hankard respectfully submits objections and proposed corrections to the Government’s Proposed Jury Instructions.

Respectfully submitted,

_____/s_____
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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of March 2022, I caused a true and correct copy of the foregoing to be delivered via CM/ECF to all parties in this case.¹

_____/s/_____
David Benowitz

¹ Counsel previously emailed a substantially similar version of this pleading to government counsel on March 25, 2022.